

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SHEILA R. MERCADO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:15-cv-01592 JRC

ORDER ON STIPULATED MOTION
FOR EQUAL ACCESS TO JUSTICE
ACT FEES AND EXPENSES AND
FOR COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge

and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

This matter is before the Court on plaintiff's Stipulated Motion for Equal Access to Justice Act
Fees, Expenses and Costs (*see* Dkt. 26).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, ("EAJA"), the Stipulation of
the parties (*see* Dkt. 26), the time, expense and cost itemizations (Dkt. 26, Attachments 2, 4), and
the relevant record, it is hereby ORDERED that EAJA attorney's fees of \$6,038.12 and expenses

1 in the amount of \$11.82, shall be awarded to plaintiff pursuant to the EAJA and consistent with
2 *Astrue v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 It is further ORDERED that costs in the amount of \$65.32 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. § 1920.

5 The Acting Commissioner agrees to contact the Department of Treasury after the Order
6 for EAJA fees and expenses and for costs is entered to determine if the EAJA fees and expenses
7 and costs are subject to any offset. If it is determined that plaintiff's EAJA fees and expenses
8 and costs are not subject to any offset allowed pursuant to the Department of the Treasury's
9 Offset Program, then the check for EAJA fees and expenses and costs shall be made payable to
10 Francisco Rodriguez, Esq., based on plaintiff's assignment of these amounts to plaintiff's
11 attorney (*see* Contract of Employment – Federal Court Only (Social Security and Supplemental
12 Security Income), Dkt. 26, Attachment 3). If there is an offset, the remainder shall be made
13 payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*, Case No.
14 2:15-cv-122, Dkt. 22, p. 4). Any check for EAJA fees and expenses and for costs shall be mailed
15 to plaintiff's counsel, Francisco Rodriguez, Esq., at Law Office of Francisco Rodriguez, P.O.
16 Box 31844, Seattle, WA 98103.

17 Dated this 30th day of September, 2016.

18
19
20
21
22
23
24



J. Richard Creatura
United States Magistrate Judge